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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

CIVIL NO.

DANIEL WARD, )  
Plaintiff )  
 ) COMPLAINT  
v. )  
 )  
CELESTIAL )  
NATURAL FOODS,)  
INC. )  
Defendant )  
\_\_\_\_\_ )

Plaintiff DANIEL WARD, through his undersigned counsel, avers and alleges:

JURISDICTION AND VENUE

1. This court has original jurisdiction pursuant to 28 U.S.C. Section 1331 through the federal question raised herein, namely the alleged violation of the Americans With Disabilities Act of 1990 (hereinafter “ADA”), 42 U.S.C. Section 12101 et seq.

2. All events material hereto occurred within the District of Hawaii.

3. Plaintiff DANIEL WARD is a person with a disability, namely spinal cord-injured quadriplegia.

VIOLATION OF 42 U.S.C. § 12101 ET. SEQ.

4. According to 28 CFR part 36, the defendant CELESTIAL NATURAL FOODS, INC., is a “public accommodation” which is operating a “place of public accommodation,” namely a retail store, located at 66-443 Kamehameha Hwy., Haleiwa, City & County of Honolulu, Hawaii, and thereby falls under the ambit of the ADA, 42 U.S.C. Section 12101 *et seq.*

5. Accordingly the defendant CELESTIAL NATURAL FOODS, INC. is amenable to suit by the plaintiff for violation of the ADA.

6. The defendant CELESTIAL NATURAL FOODS, INC. has violated and is violating the ADA by denying the plaintiff equal accommodations and has not complied with the ADA final rules, 28 CFR part 36, Subpart C, by failing to eliminate readily achievable barriers to equal accessibility, including but not limited to:

- a) no accessible entrance and no accessible route.

THEREFORE, PLAINTIFF RESPECTFULLY REQUESTS THE COURT: enter judgment for the plaintiff and against the defendant CELESTIAL NATURAL FOODS, INC. and order the following relief:

- A) An injunction ordering the defendant CELESTIAL NATURAL FOODS INC.’s full compliance with the ADA within one hundred eighty (180) days;
- B) Payment of plaintiff’s litigation costs, including reasonable expert and attorney’s fees; and
- D) Such other relief as the court deems proper.

DATED: Honolulu, Hawaii, May 30, 2019.

/s/ LUNSFORD DOLE PHILLIPS